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Joint written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status; the Society for Threatened Peoples, a non-governmental organization in special consultative status; Mouvement contre le racisme et pour l'amitié entre les peuples, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights violation of Uyghur people in the People's Republic of China (PRC)

Introduction

Professor Ilham Tohti is one of the few ethnic Uyghurs to attain high-stature within Chinese society, ascending to the heights of being professor of economics at the Minzu University of China (Beijing). Professor Tohti has also been instrumental in advocating for Uyghur economic, social and cultural rights via his uighurbiz.net website, through which he also divulged information pertaining to human rights violations against Uyghurs.

Widely considered a moderate voice of Uyghur human rights activism, he has been repeatedly subjected to a series of reprisals from the Chinese authorities for his work. This recently culminated in his arrest on 15 January 2014 along with several of his Uyghur students and other human rights activists, many of whose whereabouts remain unknown, in what appears to be a nation-wide purge of human rights activists in the PRC.

Detention

On 15 January 2014 at approximately 16:00 (UTC), Professor Tohti and his mother were arrested conjointly by approximately 30 police officers from the Xinjiang and Beijing police at Professor Tohti's Beijing-apartment on the unsubstantiated and vague charges of "violating the law and committing a crime."[1]. The Xinjiang police only have jurisdiction in Xinjiang, meaning his arrest was illegal in this regard.

According to a tweet by Professor Tothti's wife, Mrs Guzali Nu'er, he was beaten by the police during his apprehension[2]. His house was raided, and his phone, computer and 38 bags of documents were confiscated[3]. Professor Tohti, his mother and his wife were not informed of the reasons for the former two's arrest. Professor Tohti's mother was later released.

In another tweet by Mrs Nu'er, at least eight of Professor Tohti's students were also summoned for questioning[4], with the whereabouts of 4 unknown, whilst their computers and dormitories had also been searched. Mr. Mutellip Imin, his partner Mrs Atikem Rozi and a man called 'Shohret' were among those summoned[5]. The information was revealed by Mrs Nu'er via the uighurbiz.net website, which has consistently been offline since, having reportedly had its administrative account deleted and its memory cleared, whilst searches of his name on social media are blocked[6].

World Uyghur Congress (WUC) ascertained from the ground that the following students were also summoned: Perhat Halmurat, Atikem Rozi, Mutallip Imin, 'Shouret', 'Abduqadir' and 'Abduqeyyum'. Other names and further information were not available. However, all appear to be either students of Professor Tohti, uighuirbiz.net website administrators, or both. Mr. Halmurat[7], Mrs Rozi and her partner, Mr. Imin, have previously been harassed, arrested or subjected to reprisals for their association with Professor Tohti. Mr. Imin in particular was forcibly disappeared for 79 days between July and October 2013. Mrs Rozi and 'Abduqeyyum' were released after 10 hours of questioning. It is not yet known whether they continue to be subjected to reprisals.

Professor Tohti appears reported to fear for his safety in an interview with Radio Free Asia (RFA) a few days before his arrest, noting increased surveillance and that many of his friends had also been detained. Likewise, he had also revealed

1 http://www.washingtonpost.com/world/asia_pacific/chinese-police-take-away-outspoken-uighur-activist/2014/01/16/8a5a6ac8-7f10-11e3-97d3-b9925ce2c57b_story.html
2 https://twitter.com/uighurbiz/status/423763687329918976
3 http://www.rfa.org/english/news/uyghur/scholar-01162014221805.html
4 https://twitter.com/uighurbiz/status/423761397135065089
5 https://twitter.com/uighurbiz/status/423765116845178880
6 http://www.theguardian.com/world/2014/jan/15/uighur-scholar-mother-chinese-police-ilham-tohti
http://www.uighurbiz.net/site.aspx?aspxerrorpath=/archives/23685&strip=1
7 http://www.rfa.org/english/news/uyghur/detention-09302013190447.html?searchterm:utf8:ustring=perhat

his concerns to prominent Tibetan writer Tsering Woeser, whose continued reporting on Professor Tohti's situation is likely placing her in imminent danger of being arrested[8].

Charges and Aftermath

Chinese media revealed on 25 January 2014 that Professor Tohti was under investigation for having "formed a separatist group headed by him and undertook separatist activities under the disguise of his identity" in Xinjiang[9], whilst Chinese media subsequently began an online smear campaign against Professor Tohti.

The details were revealed by the Urumchi Municipal Police on their Sina Weibo, and quickly reported in Chinese state media, accusing him of holding aggressive lectures, taking part in 'instigating ethnic violence' on 5 July 2009 and also alluding to potential links to the WUC, who categorically deny any contact with him, and the East Turkestan Islamic Movement, a terrorist organisation[10]. These statements amount to a conviction before a trial and formal charges have not yet been made, in contravention of Chinese law.

During the ten days between his arrest and the revealing of his charges, no information had been provided. His whereabouts still remain unknown, though his wife and lawyer suspect he has been moved to Urumchi. His lawyer Li Fangping has reportedly not been granted access, even after travelling to Urumchi the weekend the charges were made, according to Mrs Nu'er[11]. In this regard, according to Principle 7 of the UN Basic Principles on the Role of Lawyers, a delay in access to counsel is only allowed in "exceptional circumstances", but in no case should access to legal assistance be delayed more than 48 hours from the time of arrest or detention.

Mrs Nu'er also reports around-the-clock surveillance of their family in Beijing[12]. At least one of the students arrested in Beijing, Mr Halmurat, was taken to Urumchi[13].

Wider Crackdown

Professor Tohti's is the latest detention of ethnic Uyghur webmasters detained following the Urumchi 5 July Incident. Since, various human rights organisations, and Professor Tohti, have recorded dozens of webmasters detained and imprisoned immediately after 5 July 2009. Gulmire Imin, Nijat Azat, Nureli Obul, Dilshat Perhat, Gheyret Niyaz and Memetjan Abdulla are known to continue serving sentences today, some of whom were administrators of the uighurbiz.net website[14].

The arrest also comes after a series of violent incidents targeting Uyghurs in 2013, with over 219 people killed in 25 separate incidents[15]. The state censored media coverage of the incidents, though Professor Tohti's website Uyghurbiz provided reporting throughout the intensifying situation.

The arrest occurred during a broader crackdown on dissidents in the PRC. Xu Zhiyong, another outspoken democracy advocate and Beijing-based academic, was sentenced to four years the day after charges were revealed against Professor Tohti, whilst four Mongolian environmental rights activists, including Tsetsegee Munkhbayar, were sentenced to 21 years in prison for "acts of terrorism."[16]

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8 http://www.reuters.com/article/2014/01/16/us-china-xinjiang-idUSBREA0F0G120140116
9 http://news.xinhuanet.com/english/china/2014-01/26/c_133073847.htm
10 http://www.globaltimes.cn/content/839340.shtml#.UvUSZrTvyZu
11 http://www.rfa.org/english/news/uyghur/ilham-tohti-01302014165242.html
12 http://www.usatoday.com/story/news/world/2014/01/25/china-announces-crimes-detained-scholar/4889609/
13 http://www.rfa.org/english/news/uyghur/scholar-01282014210355.html
14 http://www.uyghurcongress.org/en/?cat=308
15 http://www.opendemocracy.net/henryk-szadziewski/uyghur-rights-and-china
16 http://www.businessweek.com/articles/2014-01-29/prominent-mongolian-environmentalist-given-21-year-jail-sentence-for-alleged-terrorism

This is most poignantly highlighted, in the case of Uyghur rights, by the Dui Hua Foundation's (DHF) recent research in which it was revealed that 75% and 86% of all trials in 2012 and 2011 respectively pertaining to the notoriously vague and broadly-applied Endangering State Security (ESS) crimes are conducted in Xinjiang, which constitutes a mere 2% of the entire population of the PRC[17]. The DHF however rejects the annual decrease in the number of ESS trials in Xinjiang as declines in the number of people arrested or indicted for ESS during the year.

A crackdown targeting online work of the type Professor Tohti was engaged has been ongoing since new regulations began last September, being dubbed the "online Cultural Revolution."[18] Seven so-called "speak-nots" have been targeted, namely "universal values, civil society, citizen rights, judicial independence, freedom of the press, past mistakes of the communist party, and the privileged capitalist class." In order to implement this new crackdown, regulations were brought forward whereby someone can be arrested if their online blog or post exceeds more than 500 re-posts.

Evidence from the region suggests these laws are enforced particularly strictly for Uyghur. During 2013, at least 640 people are known to have been arrested in this regard[19], whilst new technology has enabled this crackdown to target minority languages[20]. The Chinese authorities had also sought to promote UN Security Council Resolution 2129, on combating terrorism, to justify a crackdown on the internet[21]. This is a flagrant abuse of the United Nations itself in order for the Chinese authorities to curtail freedom of expression.

Recommendations

In spite of his moderate views, desire to uphold the territorial integrity of the PRC, foster better ethnic relations and willingness to engage in the official domestic mechanisms to improve Uyghur rights, he has been repeatedly subjected to egregious reprisals against his person. Professor Tohti's purge is inextricably linked to his exposing of human rights violations against Uyghurs and this episode must be viewed in this context.

Silencing an individual with the stature of Professor Tohti can have significant far-reaching consequences on the wider community of the individual affected. As the PRC has been re-elected to the prestigious Human Rights Council (HRC), and has recently undergone its Second Universal Periodic Review, the international community must remind the PRC of its obligations under international human rights law in order for the international human rights system to uphold its global integrity.

The signatories of this statement therefore recommend to the Human Rights Council to urge the government of the People's Republic of China

- to release Ilham Tohti and other human rights defenders held in the PRC;
- to engage in good faith the relevant Special Procedures of the HRC;
- to bring its laws and actions into line with international standards, including, *inter alia*, UN Basic Principles on the Role of Lawyers, the International Covenant on Civil and Political Rights (ICCPR), Universal Declaration on Human Rights, Declaration on Human Rights Defenders;
- to ratify and meaningfully implement the ICCPR and its First Optional Protocol which will provide the right for individuals to freely express their views and discontent with governmental policies.

17 http://www.duihuahrjournal.org/2013/11/chinas-state-security-arrests-up-19-in.html
18 http://www.rfa.org/english/commentaries/baotong/cultural-revolution-09122013103217.html
19 http://uhrp.org/press-release/new-internet-measures-indicate-increased-curbs-uyghur-freedom-speech.html
20 http://www.scmp.com/news/china/article/1361547/central-government-cyberspies-step-surveillance-ethnic-groups-new
21 http://www.globaltimes.cn/content/832916.shtml#.UtaoFvRDte4